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EXAMINER				
PEPTONE, MICHAEL F				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Response to Arguments

The amendments to the claims will not be entered because the scope of the claims is changed; new issues are raised which would require a further search and/or consideration. Applicant's arguments are directed to subject matter that requires further search and consideration.

While arguments to the not entered amendments will not be addressed below, applicant's arguments pertaining to the finally rejected claims will be discussed for further clarification.

The rejection of claims 18-19 based upon Padget *et al.* (EP 0185464) and Thames *et al.* (US 6,599,972) is maintained for reason of record and following response {see Official action 3/4/09}.

Padget *et al.* (EP '464) discloses copolymer B can include internally plasticizing comonomers (pg. 11, ln. 15-pg. 12, ln. 9).

Thames *et al.* (US '972) discloses a latex composition for contact adhesives (abstract) comprising an ethylenically unsaturated internal plasticizer containing a perfluoroalkyl moiety $\{R_{1-12} = C_nH_xF_y; n=1-10, x=y=0 \text{ to } 2n+1\}$ (4:19-49; 5:12-36; 6:9-26). Thames *et al.* (US '972) discloses substituted phenyl, benzyl, and tolyl having straight or branched alkyl and/or fluoroalkyl substituents (7:5-10), wherein substituted is contemplated to include all permissible substituents of organic compounds (7:35-49). Thames *et al.* (US '972) discloses linear or branched alkyl and fluoroalkyl groups having 1 to 10 carbon atoms (7:11-18). The internal plasticizer of general formula 1 (5:12-6:27) can include $R_1, R_2, R_3, R_4, R_5, R_8, R_9, R_{10}, R_{11}, R_{12} = C_nH_xF_y; n=1-10, x=y=0 \text{ to } 2n+1\}$ (4:19-49; 5:12-36). While the preferred embodiments do not specifically list a perfluoroalkyl group as defined in claim 18, the reference must be considered

for all that it discloses and must not be limited to preferred embodiments [see MPEP 2123]. Furthermore, if one of ordinary skill in the art is able to “at once envisage” the specific compound within the generic chemical formula, the compound is anticipated. One of ordinary skill in the art must be able to draw the structural formula or write the name of each of the compounds included in the generic formula before any of the compounds can be “at once envisaged.” *In re Petering*, 301 F.2d 676, 133 USPQ 275 (CCPA 1962). For example, with R_1 = perfluorooctyl radical $\{C_nH_xF_y; n=8, x=0, y=17\}$, $R_2, R_3 = H$, and $a = 1$ { a and c have a value of 0-20, and the sum of a and c is at least 10 (6:24-26)}, affords an internal plasticizer compound having a $-(CH_2)_b-C_8F_{17}$ moiety, corresponding to component B of instant claim 18 having a $-(CH_2)_b-C_8F_{2c+1}$ moiety with $b=1$ and $c = 8$. Additionally, Thames *et al.* (US ‘972) discloses linear or branched alkyl and fluoroalkyl groups having 1 to 10 carbon atoms (7:11-18), including fluorinated alkyls such as perfluorobutyl, and partially fluorinated alkyls such as 1,1,2,2,2-pentafluorobutyl. One having skill in the art would recognize the fluoroalkyl groups having 1 to 10 carbon atoms would include fluorinated C_1 - C_{10} alkyls such as perfluorooctyl, and partially fluorinated C_1 - C_{10} alkyls such as semifluorinated alkyl radicals $\{F(CF_2)_m(CH_2)_n\}$.

The rejection of claims 18 and 20 based upon Padget *et al.* (EP 0185464) Denk *et al.* (US 2,971,948) is maintained for reason of record and following response {see Official action 3/4/09}.

Padget *et al.* (EP ‘464) discloses copolymer B can include adhesion promoting functionalities {acid} (pg. 15, ln. 12-25).

Denk *et al.* (US '948) discloses vinylidene chloride copolymers (1:16-17; 1:67-2:6; 4:6-15) comprising vinyl phosphonic acids (1:57-70) as adhesion promoters (2:7-8). Denk *et al.* (US '948) clearly discloses copolymers containing vinyl chloride (1:70) and vinylidene chloride (2:1); i.e. a copolymer is synthesized from vinyl chloride, vinylidene chloride, and vinyl phosphonic acid (4:6-15) {substituting vinylidene chloride for vinyl acetate in Ex. 1 (3:5-19)}.

In response to applicant's argument that Denk *et al.* (US '948) is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Padget *et al.* (EP '464) and Denk *et al.* (US '948) are analogous art because they are concerned with a similar technical difficulty, namely the preparation of vinylidene chloride copolymers containing adhesion promoters.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PEPITONE whose telephone number is (571)270-3299. The examiner can normally be reached on M-F, 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo/
Supervisory Patent Examiner, Art Unit 1796

MFP
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